



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*United States District Courthouse
300 Quarropas Street
White Plains, New York 10601*

January 5, 2022

BY ECF AND EMAIL

Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square,
New York, New York 10007

Re: *United States v. Edwin Cortorreal, 17 Cr. 438 (VEC)*

Dear Judge Caproni:

The parties jointly write in response to this Court's December 16, 2021 Order (Doc. 661) regarding the scheduling of a *Daubert* hearing in this matter.

In attempting to schedule dates for a hearing in the first two months of 2022, the parties have encountered a number of conflicts, which have been exacerbated by the recent increase in COVID cases. Most significantly, Ms. Barrett's six-week murder trial in the Virgin Islands, which was initially scheduled to begin on January 19, 2022, has now been delayed two weeks due to the pandemic. Accordingly, Ms. Barrett is now scheduled to be on trial from February 7, 2022 through March 18, 2022. In addition, beginning January 24, 2022, the individuals from the Office of Chief Medical Examiner ("OCME") whom the Government expects to be most involved in the *Daubert* hearing, including as witnesses, will be participating in a *Frye* hearing in Kings County Court, which hearing will also pertain to FST and Low-Copy Number DNA testing. The *Frye* hearing is expected to last three weeks, and the individuals from OCME are expected to be actively involved in the entire hearing. Finally, the Government also has a two-week trial that is scheduled to begin on March 23, 2022, and we understand that the Court has a trial scheduled for March 29, 2022. Accordingly, the parties are available for a *Daubert* hearing at any time beginning the week of April 11, 2022, continuing throughout April and May 2022. We recognize that this is not within the timeframe the Court requested, and will of course update the Court if the conflicts change and the parties became available sooner.

With respect to the length of the hearing, the *Daubert* hearing in *United States v. Jones* was approximately one week. The Government estimates that the hearing in this case would also be approximately one week, though that estimate depends in part on the parties reaching an agreement on the admissibility of transcripts from *United States v. Jones*, and whether there are specific issues that the Court would like this hearing to focus on.

Respectfully submitted,

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